

**FLATHEAD COUNTY BOARD OF ADJUSTMENT**  
**MINUTES OF THE MEETING**  
**JULY 1, 2014**

**CALL TO  
ORDER**  
*(6:02 pm)*

A meeting of the Flathead County Board of Adjustment was called to order at approximately 6:00 p.m. Board members present was Gina Klempel, Cal Dyck and Roger Noble. Mark Hash and Ole Netteberg had excused absences. Eric Mack and BJ Grieve represented the Flathead County Planning & Zoning Office.

There were 37 people in the audience.

**APPROVAL OF  
MINUTES**  
*(6:03pm)*

Noble motioned and Dyck seconded to approve the May 6, 2014 minutes. The motion passed unanimously.

**PUBLIC  
COMMENT**  
*(not related to  
agenda items)*  
*(6:03 pm)*

None.

**JUSTIN OGLE**  
*(FCU-14-06)*  
*(6:04 pm)*

A request by Justin Ogle, for a Conditional Use Permit to establish a 'Home occupation' on a lot located in 'R-1 Suburban Residential' zoning at 736 Green Ridge Drive east of Kalispell, MT. The property is approximately 2.3 acres in size within the Willow Glen Zoning District.

**STAFF REPORT**

Grieve explained at length the staff and board's responsibilities in the process of the hearing.

Mack reviewed Staff Report FCU-14-06 for the Board.

**BOARD  
QUESTIONS**

Klempel and Mack briefly discussed the driveway and turnaround.

Grieve discussed the process and procedure in detail of a Conditional Use Permit (CUP) to the audience and urged the board to make adequate consideration of the public comment.

**APPLICANT  
PRESENTATION**

Justin Ogle, applicant, thanked the board for hearing his presentation. He said they are going to withdraw their application. He explained they planned to put their home on the property, the front parcel was for sale, it would be sold and

another home would be put on the property. They believed they could meet the definition of 'home occupation' without the CUP. He believed he could stagger his employees enough he would not need to have the CUP. He apologized for putting people through the process. He had felt pushed toward this venue prematurely. They had hoped to have the home built or the future guest house built before this process was brought to mind. The plan originally was to buy the property and move his family from Kila to a good neighborhood. From the people he had spoken with, he felt they had made a good choice in neighborhoods. He was frustrated he had not had time to meet with the rest of the neighbors. At this time they were going to withdraw the CUP. Once they actually created their house, were able to move the home occupation business there and they had proven to the neighbors that they were good neighbors, they could move forward at that point possibly for the CUP once the house began to be built. He may have a few more employees coming and going at that time. They did not want to ruin the neighborhood and it never was their intent to ruin it. They truly wanted to have a good relationship with their neighbors. He apologized for wasting the board's time and he hoped that was satisfactory for everyone.

Klempel thanked Ogle for his honesty and consideration.

Grieve explained what happened when an application was pulled and what would need to be met for a home occupation if they have a house on the property.

A member of the public asked if there was a possibility of asking a question to go on record.

Grieve said at this point there was no record since the applicant had withdrawn his application. He said the gentleman could call the office or, after the meeting was concluded, staff would be present to answer any questions.

The member of the public said he wasn't sure what was meant when Ogle referred to a future guest house or residence. He was not sure what his plan was.

Grieve did not know either, all he knew is that the application had been withdrawn so this forum was essentially over. When an application was withdrawn, the applicant could not do what the CUP would have allowed him to do. So, in that regard, he

was back to having a piece of property with a red building sitting on it in an R-1 zone. He said the gentleman could talk to Ogle about what his plans were. If anyone wanted to talk to Ogle, he was still present at the meeting. If they could speak in the hallway then the board would proceed with the meeting. Staff would be present after the meeting to talk about the regulations as well.

**OLD BUSINESS** None.

**NEW BUSINESS** Grieve said the draft fiscal year 2015 strategic plan for the Planning Office was being finished up and he would email the board a copy when it was finalized. He went on to explain what the work plan involved.

**ADJOURNMENT** The meeting was adjourned at approximately 6:34 pm. on a motion by Noble. The next meeting will be held at 6:00 p.m. on August 5, 2014.

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C. Mark Hash, Chairman

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Donna Valade, Recording Secretary

*APPROVED AS **SUBMITTED**/CORRECTED: 9 / 2 / 14*